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Attorneys for Defendant TESLA, INC. D/B/A IN CALIFORNIA AS  
TESLA MOTORS, INC. (erroneously sued as TESLA, INC.)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GEORGE J. AUSTIN, an individual

Plaintiff,

vs.

TESLA, INC., et al.,

Defendants.

Case No. 3:20-cv-00800-EMC

**[PROPOSED] ORDER GRANTING  
DEFENDANT TESLA, INC.'S MOTION  
TO DISMISS PLAINTIFF'S FIRST  
AMENDED COMPLAINT OR, IN THE  
ALTERNATIVE, STRIKE PORTIONS OF  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

**Date: December 17, 2020  
Time: 1:30 p.m.  
Courtroom: 5  
Judge: Edward M. Chen**

1 Defendant Tesla, Inc.'s ("Defendant" or "Tesla") Motion to Dismiss Plaintiff's First Amended  
2 Complaint or, in the Alternative, Strike Portions of Plaintiff's First Amended Complaint ("Motion")  
3 came on regularly for hearing before this Court on December 17, 2020, both parties represented by  
4 counsel of record.

5 Having considered the moving and opposition papers, arguments of counsel, and all other  
6 matters and evidence submitted to the Court, and good cause appearing therefore, the Court hereby  
7 GRANTS Defendant's Motion to Dismiss in its entirety.

8 IT IS HEREBY ORDERED that Defendant's Motion to Dismiss is GRANTED. Plaintiff's  
9 First Amended Complaint is hereby DISMISSED without leave to amend.

10 **IT IS SO ORDERED.**

11 [Or, in the alternative:

12 IT IS HEREBY ORDERED that Defendant's Motion to Strike is GRANTED. The following  
13 provisions of Plaintiff's First Amended Complaint are hereby STRICKEN:

- 14 1. Unauthenticated Exhibits: FAC 99-133  
15 2. "Side Notes on Fed Pro Bono Project:" FAC 2:15-3:4  
16 3. Plaintiff's Duplicative Descriptions of Himself: FAC 5:6-12; 10:7-12; 17:9-15; 26:10-  
17 15; 33:6-12; 39:2-8; 47:19-48:3; 52:6-11; 58:18-59:3; 71:20-72:5; and 75:13-18.)

18 **IT IS SO ORDERED.]**

19  
20 Dated: \_\_\_\_\_, 2020

21 \_\_\_\_\_  
22 Honorable Edward M. Chen  
23 Judge, United States District Court  
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